

REMARKS

Claims 1-18 are all the claims pending in the application. Claims 1-18 presently stand rejected.

Applicants thank the Examiner for acknowledging Applicants' claim to foreign priority and for indicating consideration of all Information Disclosure references filed on November 14, 2001. Applicants, however, respectfully request approval of the drawings filed with the application on November 14, 2001.

In the present Office Action, claims 1-18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Rananand (5,935,213).

For the reasons set forth below, Applicant respectfully traverses the rejections and requests favorable disposition of the application.

Argument

Applicant submits that the system, method and device disclosed in the Rananand et al. reference are substantially different than the system, method and device disclosed and claimed in the present application. For example, independent claim 1 requires "each coupling device [to be] operable to generate *a special message which contains a previously established data rate as information*, and to send the special message at a fixed predefined data rate to neighboring subscribers or coupling devices". As disclosed, for example, at column 2, lines 11-14 of the published version (US 2002/0078224) of the present application, in accordance with at least one embodiment, the coupling device directly determines the transmission rate of a transmitted

regular data message and prepares the “special message” which includes the determined transmission rate.

Claim 1 further requires, “at least one of the neighboring subscribers or coupling devices has a receiving device and a bus interface for the same channel, the receiving device being set to the fixed predefined data rate of the special message and *the bus interface being adjustable to be set to different data rates*”, and requires “the receiving device and the bus [to] operate in such a way that *the data rate of the bus interface is set to the data rate that is contained as the information in the special message* received by the receiving device.” In other words, as disclosed in the present specification, for example at paragraphs [0020-0022] of US 2002/0078224, the data rate of the transmitted data message is determined by the coupling device and a “special message” is then prepared which is sent at a “fixed transmission rate” to each of the other coupling devices which set their respective receive components to be able to receive the data message at the rate identified in the special message.

Rananand, in comparison, (see, e.g., Figs. 1 and 4, and col. 5) discloses a system and method in which a “resource management” (RM) cell is sent backward from the destination computer to a source computer through a communication path containing one or more switching nodes, to inform the source computer of the data rate that can be accommodated by the components within the communication path. In particular, the destination computer and each switching node in the path changes the data rate information within the backward RM to reflect the specific rate at which it could accommodate data in the forward direction. (Col. 5, lines 39-55). When the backward RM reaches the source computer, the source computer will, thus, be

able to regulate its transmission rate to accommodate the lowest of the rates provided by each of the switching devices and the destination computer.

In other words, according to the Rananand system, the source computer changes its transmission rate to accommodate the limitations of the communication path, whereas in the claimed invention, the components in the communication path are controlled to accommodate the rate at which the source transmits data. Clearly, the two methods are completely different and, thus, claim 1 is not rendered obvious by the disclosure of Rananand. Claim 2 is patentable over Rananand for at least the same reason as claim 1.

Independent claims 3, 11, 14 and 17 are each patentable for analogous reasons as those presented for claim 1, above. Accordingly, claims 3, 11, 14 and 17, and all claims dependent thereon, specifically, claims 4-10, 12, 13, 15, 16 and 18, are all patentable over Rananand and the rejection thereto should be withdrawn.

Conclusion

In view of the foregoing remarks, the application is believed to be in form for immediate allowance with claims 1-18, and such action is hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, he is kindly requested to **contact the undersigned** at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln. No. 09/987,359

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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